

PESHKIN ET AL. -- 09/307,357
Client/Matter: 007448-0303802

REMARKS

Claims 1-19, and 27 are pending. Reconsideration and allowance of the present application in view of the following remarks are respectfully requested.

In the Office Action dated August 6, 2004, Claims 1-6, 11, and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ono et al. (U.S. Patent No. 5,555,004) in view of Liu (JP 11259228). Applicants respectfully traverse this rejection.

Applicants note that the Japanese reference provided with the Office Action was JP 11259228, not JP 411259288. Applicants have been unable to locate JP 411259228 and assume that JP 11259228 is the proper number. JP 11259228 does not qualify as prior art to the present application under 35 U.S.C. § 102. (See MPEP §2141.01.) JP 11259288 was filed in the Japanese Patent Office on February 13, 1998, but did not become available to the public until it was published on September 24, 1999. The present application was filed on May 7, 1999, more than four months prior to the publication of JP 11259228. Therefore, Liu cannot be used in a rejection under 35 U.S.C. §102, or 35 U.S.C. §103. Accordingly, Applicants respectfully request that the rejection to Claims 1-6, 11, and 27 be withdrawn.

In the Office Action, Claims 7-10, and 12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants respectfully traverse the objection. Claims 7-10, and 12 depend from Claim 1. Because Claim 1 is patentable over the prior art of record, Claims 7-10 and 12 are also patentable. Accordingly, Applicants respectfully request that the objection be withdrawn.

Applicants acknowledge with appreciation the indication that Claims 13-19 are allowed. However, all rejections and objections having been addressed, Applicants respectfully submit that all of the pending claims are allowable and a Notice to that effect is earnestly solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

10-20-04

17:55 . . From-Pillsbury Winthrop LLP

703-905-2500

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Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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